



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No.: Sprint 1740)

DA  
#5

In re Application of:

Mark Yarkosky

Serial No.: 09/975,179

Filed: October 11, 2001

For: Method for In-Building Distribution Using  
Wireless Access Technology

Art Unit: 2681

Examiner: TBA

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TRANSMITTAL LETTER**

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached:


- A. Petition to Revive Under 37 C.F.R. § 1.137(b);
- B. Tabs A-C; and
- C. Return Receipt Postcard.

2. With respect to additional fees, attached is a check in the amount of \$1300.00 to cover the petition fee for an unintentionally abandoned application.

3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned also hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 on this 8<sup>th</sup> day of May, 2003.

By:

  
Lawrence H. Aaronson  
Reg. No. 35,818

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MAY 14 2003

OFFICE OF PETITIONS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No.: Sprint 1740)

In re Application of: )  
Mark Yarkosky )  
Serial No.: 09/975,179 ) Art Unit: 2681  
Filed: October 11, 2001 ) Examiner: TBA  
For: Method for In-Building Distribution Using )  
Wireless Access Technology )

**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**PETITION TO REVIVE**  
**UNDER 37 C.F.R. § 1.137(b)**

Dear Sir:

Applicant has not received a Notice of Abandonment from the Office and believes that he has fully complied with the Rules and Regulations of the Office. However, pursuant to the prepublication notice entitled "Reminder that Rescission of a Nonpublication Request is Not Itself a Notice of Foreign Filing" posted on the Patent Office Web site on April 16, 2003, it appears that the above-captioned application may be deemed abandoned if this prepublication notice is given retroactive effect by the Office. Therefore, out of an abundance of caution, Applicant submits this petition to revive in case the application is deemed to have been abandoned under 37 C.F.R. § 1.213(c).

Pursuant to 37 C.F.R. § 1.213(a), Applicant submitted a request for nonpublication with this application upon filing.

05/14/2003 AWONDAF1 00000042 09975179

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Applicant subsequently filed a corresponding international application with the U.S. Patent and Trademark Office as PCT Receiving Office, which is identified on the Notice attached hereto at Tab A. Within 45 days of the international filing, Applicant filed a Request to Rescind Previous Nonpublication, a copy of which is submitted herewith at Tab B.

Applicant believes that its filing of the Request to Rescind Previous Nonpublication within 45 days of the international filing constituted full compliance with 37 C.F.R. § 1.213(c), based on the note in Form PTO/SB/36 (10-01 version) explaining generally that "filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or international filing required by 35 USC 122(b)(2)(B)(iii)." However, the April 16, 2003, prepublication notice now suggests that the Patent Office might not consider a Request to Rescind, in and of itself, to constitute sufficient notice of foreign or international filing.

In addition, Applicant believes that the act of filing the international application with the U.S. Patent and Trademark Office as PCT Receiving Office constituted notice to the U.S. Patent and Trademark Office of the international filing, as required by 37 C.F.R. § 1.213(c). Moreover, within 45 days after that international filing, the Office received an actual copy of the international application, as indicated by the "Notification of Status of Requirements Under 35 U.S.C. 371" attached hereto at Tab C, constituting further notice to the Office of the international filing.

If the Office considers this application to be abandoned, then Applicant hereby requests revival of the application. Applicant hereby states that the entire delay in

notifying the Office as in the Notice at Tab A of the international filing until the filing of this petition was unintentional.

If the Office does not consider this application to be abandoned, then Applicant requests refund of the enclosed petition fee. Further, even if the Office considers this application to be abandoned, Applicant respectfully requests the Office to waive and refund the enclosed petition fee due to the ambiguity in Form PTO/SB/36 (10-01).

Respectfully submitted,

**MCDONNELL BOEHNEN  
HULBERT & BERGHOFF**

Date: 5/8/03

By: 

Lawrence H. Aaronson  
Reg. No. 35,818

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**MAY 14 2003**

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**SUPPLEMENTAL NOTICE OF  
FOREIGN OR INTERNATIONAL FILING**

Applicant filed International Patent Application No. PCT/US02/31410 on October 3, 2002.

If any further notice of foreign or international filing is or will be required by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(C), Applicant hereby provides such notice.

**RECEIVED**

**MAY 14 2003**

**OFFICE OF PETITIONS**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No.: Sprint 1740; MBHB 01-1037)

In re Application of:

Mark Yarkosky

Serial No.: 09/975,179

Filed: October 11, 2001

For: Method for In-Building Distribution Using  
Wireless Access Technology

Art Unit: 2681

Examiner: TBA

Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above-identified patent application:  
☒ Request To Rescind Previous Nonpublication Request; and  
☒ Return Postcard
2. No fees are due at this time.
3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. 210765. A duplicate copy of this sheet is enclosed.
4. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** I hereby certify that I directed that this Transmittal Letter and the correspondence identified above be deposited with the United States Postal Service as "First Class Mail," addressed to the Commissioner for Patents, Washington, DC 20231, on October 3, 2002.

By:

Brain R. Harris

Registration No. 45,900

McDONNELL BOEHNEN  
HULBERT & BERGHOFF  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
TELEPHONE (312) 913-0001



#5

**REQUEST TO RESCIND PREVIOUS  
NONPUBLICATION REQUEST  
35 U.S.C. 122(b)(2)(B)(ii)**

Application Number: 09/975,179

Filing Date: October 11, 2001

First Named Inventor: Yarkosky

Title: Method for In-Building Distribution Using Wireless  
Access Technology

Atty Docket Number: 1740

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

Applicants therefore wish that the application be published promptly after the expiration of 18 months from the earliest filing date of the present application for which a benefit is sought under Title 35, U.S.C.

**USPTO CUSTOMER NUMBER**



**28005**

PATENT TRADEMARK OFFICE

**Sprint Corporation**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name	Brian R. Harris
Reg. No.	45,900
Signature	<i>Brian R. Harris</i>
Date	October 3, 2002



<b>TO:</b> BRIAN HARRIS MCDONNELL BOEHNEN HULBERT & BERGHOFF 300 SOUTH WACKER DRIVE SUITE 3200 CHICAGO, ILLINOIS 60606	<b>UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)</b>
	<b>NOTIFICATION OF STATUS OF REQUIREMENTS UNDER 35 U.S.C. 371</b>
	DATE OF MAILING (day/month/year) 04 Nov 2002
FILE REFERENCE 01-1037-A	

IDENTIFICATION OF INTERNATIONAL APPLICATION		
International application No. PCT/US02/31410	International filing date (day/month/year) 03 Oct 2002	Priority Date Claimed 11 Oct 2001

Applicant for DO/EO/US

YARKOSKY, MARK

**NOTIFICATION**

The applicant is hereby advised that the U.S. Patent and Trademark Office in its capacity as ☒ Designated Office ☐ Elected Office has received following items as of the date of mailing indicated above.

1. ☐ U.S. Nation fee [35 U.S.C 371 (c) (1)]
  2. ☐ Oath of declaration [35 U.S.C 371 (c) (4)]
  3. ☒ Copy of International application as [35 U.S.C 371 (c) (2)]
  4. ☐ Translation of Application [35 U.S.C 371 (c) (2)]
  5. ☐ Amendments under PCT Article 19 [35 U.S.C 371 (c) (3)]
  6. ☐ Translation of PCT Article 19 Amendments [35 U.S.C 371 (c) (3)]
  7. ☐ Search Report or Declaration under PCT Article 17(2) [35 U.S.C 371 (a)]
  8. ☐ International Preliminary Examination Report and its Annexes, if any, under PCT Article 36(3)(b) [35 U.S.C 371 (a)]
  9. ☐ Translation of Annexes to the International Preliminary Examination Report under PCT Article 36(3)(b) [35 U.S.C 371 (c) (5)]
  10. ☐ Other items received:
    - ☐ Assignment Document
    - ☐ Prior Art Statement
    - ☐ Preliminary Amendment
- A. ☐ Requirements for U.S. National processing have been met. Processing will commence
- ☐ at the expiration of the applicable time limit under either
    - ☐ PCT Article 22 [35 U.S.C 371 (b)] or
    - ☐ PCT Article 39 [35 U.S.C 371 (b)]
  - ☐ on the date indicated below under the provisions of 35 U.S.C 371 (f)

U.S. NATIONAL SERIAL#

DATE UNDER 35 U.S.C. 102(e)

DATE OF COMMENCEMENT  
OF NATIONAL PROCESSING

*All correspondence submitted after the date of commencement of U.S. National processing indicated above should refer to the U.S. National Serial Number and the appropriate U.S. National processing organization of Officer.*

- B. ☐ As the above identified application has been accepted for U.S. National processing under the provision of 35 U.S.C. 371 (f) before expiration of the applicable time limit under ☐ PCT Article 22 ☐ PCT Article 39, applicant is reminded that
- ☐ Amendments under PCT Article 19 and/or
  - ☐ the International Preliminary Examination Report and its Annexes, if any, under PCT Article 36(3) (a), and (b) and any translation thereof, if applicable, must be submitted to the Patent and Trademark Office as soon as they are available.



<b>International application No.</b> PCT/US02/31410	<b>International filing date</b> 03 Oct 2002	<b>Priority Date Claimed</b> 11 Oct 2001
<p><b>C. <input checked="" type="checkbox"/> In order that U.S. National processing may begin, certain items must be received by the DO/EO/US by the expiration of applicable time limit under</b></p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> PCT Article 22 or  <input checked="" type="checkbox"/> PCT Article 39.         </div> <p style="margin-left: 40px;">Specifically:</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> 1. U.S. National Fee  <input checked="" type="checkbox"/> 2. Oath or Declaration  <input type="checkbox"/> 3. Copy of Application  <input type="checkbox"/> 4. Translation of application  <input checked="" type="checkbox"/> 5. Amendments under PCT Article 19, if any  <input type="checkbox"/> 6. Translation of PCT Article 19 Amendments, if applicable  <input type="checkbox"/> 7. Search Report or PCT Article 17(2) declaration  <input type="checkbox"/> 8. International Preliminary Examination Report and its Annexes, if any, under PCT Article 36(3)(a), if applicable  <input type="checkbox"/> 9. Translation of Annexes to the International Preliminary Examination Report under PCT Article 36(3)(b), if applicable         </div> <p><b><i>THE ABOVE CHECK ITEMS MUST BE TIMELY RECEIVED TO AVOID ABANDONMENT OF THE APPLICATION. [35. U.S.C. 371(d)]</i></b></p> <p><b>D. Further information for the applicant:</b></p> <div style="text-align: center; margin-top: 20px;"> <p style="font-size: 1.2em;">This is only a reminder.</p> </div>		
<b>UNITED STATES DESIGNATED/ELECTED OFFICE</b>		
<b>Address Only:</b> Assistant Commissioner for Patent, Box PCT Washington, D.C. 20231 Attn:RO/US		<b>Authorized Officer</b> Elnora Rivera 703-305-3678